

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Darin Gene Berry,

Civil No. 18-cv-0934 (SRN/TNL)

Petitioner,

v.

**ORDER ON REPORT
AND RECOMMENDATION**

Warden R. Marques,

Respondent.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated July 18, 2018 [Doc. No. 15], along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. The Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241, [Doc. No. 1], is **DISMISSED**.
2. Petitioner's Motion to Stay Execution of Proceedings and Amend Response After Disposition of Grievance Pursuant to Fed. R. Civ. P. 62(B), [Doc. No. 12], is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 7, 2018

s/Susan Richard Nelson

SUSAN RICHARD NELSON

United States District Judge